

ACT No. 185

2018 Regular Session

HOUSE BILL NO. 29

BY REPRESENTATIVE PEARSON

1 AN ACT

2 To amend and reenact R.S. 11:1785(A) and 1805(A)(1)(b) and (2), relative to the election
3 of survivor benefits by survivors of members of the Municipal Employees'
4 Retirement System of Louisiana; to require that the election be made in writing; to
5 require the election to be made within ninety days of the application for survivor
6 benefits; and to provide for related matters.

7 Notice of intention to introduce this Act has been published
8 as provided by Article X, Section 29(C) of the Constitution
9 of Louisiana.

10 Be it enacted by the Legislature of Louisiana:

11 Section 1. R.S. 11:1785(A) and 1805(A)(1)(b) and (2) are hereby amended and
12 reenacted to read as follows:

13 §1785. Survivor benefits; eligibility

14 A. Upon the death of any member with five or more years of creditable
15 service, not eligible for normal retirement, the following benefits shall be paid:

16 (1) If the member is survived by a surviving spouse with minor
17 children,~~As the spouse shall be paid an amount equal to sixty percent of final~~
18 ~~compensation, such benefit to continue as long as the spouse lives payable for the~~
19 life of the surviving spouse or until no child in ~~her~~ his care satisfies the definition of
20 minor child.

1 (2)(a) If the member is survived by a Surviving spouse with no minor
2 children, ~~==Either~~ the surviving spouse shall be paid either:

3 ~~(a) an~~ (i) An amount equal to forty percent of final compensation payable
4 ~~upon the attainment of age sixty by the spouse, or upon acquiring a disability, when~~
5 the surviving spouse attains age sixty or becomes disabled and remains payable for
6 ~~as long as such spouse lives, or~~ the life of the surviving spouse.

7 ~~(b) an~~ (ii) An amount equal to the actuarial equivalent of ~~forty percent of~~
8 ~~final compensation~~ the benefit provided in Item (i) of this Subparagraph, but not less
9 than twenty percent of final compensation, payable upon the death of the member
10 and payable for ~~as long as such spouse lives~~ the life of the surviving spouse.

11 (b) In order to ~~select~~ receive the ~~actuarial equivalent~~ option provided for in
12 Item (a)(ii) of this Paragraph, a surviving spouse ~~must~~ shall elect the option and
13 notify the system of the selection election in writing within ninety days of the ~~death~~
14 ~~of the member~~ application for benefits; such ~~selection~~ election shall be final and
15 irrevocable and shall be in lieu of eligibility for the ~~forty percent benefits~~ benefit
16 provided for in Item (a)(i) of this Paragraph.

17 (3) If the member is survived only by a Surviving minor child or children,
18 ~~with no unmarried surviving spouse--An~~ the surviving minor child or children shall
19 be paid an amount equal to thirty percent of final compensation ~~on account of each~~
20 per child, not to exceed an aggregate of sixty percent of final compensation. Should
21 more than two minor children survive, the benefit payable at any time to each
22 eligible minor child shall be an amount determined by dividing the aggregate amount
23 of all child benefits by the number of children then eligible to receive child benefits.

24 * * *

25 §1805. Survivor benefits; eligibility

26 A.(1) Upon the death of any member with five or more years of creditable
27 service, who was not eligible for normal retirement, but who is survived by a spouse,
28 the surviving spouse shall be paid either:

29 * * *

1 (b) An amount equal to the actuarial equivalent of ~~thirty percent of the~~
 2 ~~deceased member's final compensation~~ the benefit provided in Subparagraph (a) of
 3 this Paragraph, but not less than fifteen percent of such final compensation, payable
 4 upon the death of the member and payable for the life of the surviving spouse.

* * *

6 (2) In order to ~~select~~ receive the ~~actuarial equivalent~~ option provided for in
 7 Subparagraph (1)(b) of this Subsection, a surviving spouse ~~must~~ shall elect the
 8 option and notify the system of the ~~selection~~ election in writing within ninety days
 9 ~~after the death of the member~~ of the application for benefits. Such ~~selection~~ election
 10 shall be final and irrevocable and shall be paid in lieu of the benefit provided for in
 11 Subparagraph (1)(a) of this Subsection.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____